

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	
)	4:07CR3007
v.)	
)	
MARK ALLEN FREDERICK,)	
)	MEMORANDUM AND ORDER
Defendant.)	
)	

Plaintiff has moved for an extension of time in which to provide discovery to the defendant. Defendant's counsel has advised that he does not object to the request.

At the time of the defendant's initial appearance in this case, the court was advised that the discovery documents are extensive. The prosecutor stated that there were "eight to ten boxes" of documents, from three different law enforcement agencies, that would have to be scanned and provided to the defendant electronically. In addition, he estimated that the trial of the case would consume three weeks. He and defendant's counsel agreed the case is "unusual" and "complex" so as to be exempted from the time limits set by the Speedy Trial Act, 18 U.S.C. 3161, *et seq.*, and that it should therefore be exempted in accordance with 18 U.S.C. 3161(h)(8)(A) and (B)(ii).

In the motion the government now states that in fact there are 24 boxes of documents, and the process of scanning them has taken much longer than earlier estimated. Thus, with more than double the amount of "paper" involved, it appears the case has become even more "unusual" and "complex" than earlier expected.

I therefore find that the case is "unusual" and "complex" within the meaning of 18 U.S.C. 3161(h)(8)(A) and (B)(ii). It would be unreasonable to expect the parties to be adequately prepared for trial within the time limits of the Speedy Trial Act, and in fact, to do so would be unjust, as the need of the parties to be adequately prepared for trial far outweighs the interests of the defendant and the public in a speedy trial.

IT THEREFORE HEREBY IS ORDERED:

1. The motion for extension of time, filing 14, is granted, and the government is given until April 9, 2007 to deliver the requested discovery to defendant in accordance with NECrimR 16.1.

2. Defendant is given ninety days following the completion of the discovery delivery in which to file motions in the case.

3. Following the filing of motions, if any, the court will convene with counsel to further determine an appropriate progression for the resolving of motions and the scheduling of trial.

4. This case is exempted from the requirements of the Speedy Trial Act in accordance with 18 U.S.C. 3161(h)(8)(A) and (B)(ii).

DATED this 6th day of March, 2007.

BY THE COURT:

s/ *David L. Piester*

David L. Piester
United States Magistrate Judge